



Zoning
CITY OF AUSTIN
RECOMMENDATION FOR COUNCIL ACTION

AGENDA ITEM NO.: Z-15
AGENDA DATE: Thu 05/06/2004
PAGE: 1 of 1

SUBJECT: C14-04-0033 - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 9000-9210 FM 969 (Elm Creek Watershed) from development reserve (DR) district zoning and family residence (SF-3) district zoning to single family residence small lot (SF-4A) district zoning for Tract 1 and community commercial (GR) district zoning for Tract 2. Zoning and Platting Commission Recommendation: To grant single family residence small lot-conditional overlay (SF-4A-CO) combining district zoning for Tract 1 and community commercial-conditional overlay (GR-CO) combining district zoning for Tract 2. Applicant: A.K. & Joan Nelson, Rose Nelson, and Winna Gene Nelson. Agent: Austin Blue Sky Investments (John Bolt Harris). City Staff: Annick Beaudet, 974-2975.

REQUESTING Neighborhood Planning
DEPARTMENT: and Zoning

DIRECTOR'S
AUTHORIZATION: Greg Guernsey

ZONING CHANGE REVIEW SHEET

CASE: C14-04-0033

ZPC DATE: April 6, 2004

ADDRESS: 9000-9210 FM 969

OWNER/APPLICANT: A.K. & Joan Nelson, Rose Nelson, Winna Gene Nelson

AGENT: Austin Blue Sky Investments (John Bolt Harris)

<u>ZONING FROM:</u>	DR, SF-3	<u>TO:</u>	Tract 1: SF-4A	<u>AREA:</u>	Tract 1: 9.17 acres
			Tract 2: GR		Tract 2: 1.23 acres
					Total = 10.4 acres

SUMMARY STAFF RECOMMENDATION:

Staff recommends single-family small lot (SF-4A) district zoning for Tract 1 and community commercial-conditional overlay (GR-CO) district zoning for Tract 2. The CO would limit motor vehicle trip generation to 2,000 per day and prohibit the following uses: auto rental, auto repair, auto sales, auto washing (of any type), and drive in service as an accessory use to a commercial use.

ZONING AND PLATTING COMMISSION RECOMMENDATION:

April 6, 2004: For Tract 1 – approved staff's recommendation of SF-4A zoning.

For Tract 2 – Approved GR-CO zoning with prohibited uses of: auto rental; auto repair; auto sales; auto washing (any type); drive-in services (as accessory use); exterminating services; pawnshops; personal improvement services; and guidance services;
* 2000 vehicle trip limit for tract 1 & 2 combined

Vote: 7-0

ISSUES:

The applicant is in agreement with the Zoning and Platting Commission recommendation. In addition, while the buffering mechanisms proposed by the applicant in Exhibit A were not part of the Zoning and Platting Commission Recommendation, the applicant would not be opposed should they be required by the City Council.

The applicant disagrees with a portion of the staff recommendation for Tract 2. Specifically, the applicant objects to the prohibition of service stations but will agree to the prohibition to all other automobile related uses (washing, repair, sales, rental) and no drive through services as an accessory use. The applicant has proposed some buffering mechanisms, which are described in a letter written by the applicant on March 26, 2004 and attached as Exhibit A to this report.

DEPARTMENT COMMENTS:

The property to the south is being considered for multi-use development, which may include multi-family, commercial and civic uses.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	SF-3, DR	undeveloped
<i>North</i>	Unzoned (County)	undeveloped
<i>South</i>	SF-3, DR	Vacant County health facility (MHMR)
<i>East</i>	Unzoned (County)	Mobile home park
<i>West</i>	DR	TXDOT vehicle maintenance yard

AREA STUDY: No.**TIA:** Waived.**WATERSHED:** Elm Creek**DESIRED DEVELOPMENT ZONE:** Yes.**CAPITOL VIEW CORRIDOR:** No.**HILL COUNTRY ROADWAY:** No.**NEIGHBORHOOD ORGANIZATIONS:**

Austin Neighborhoods Council

CASE HISTORIES:

There are no relevant zoning case histories in the immediate area.

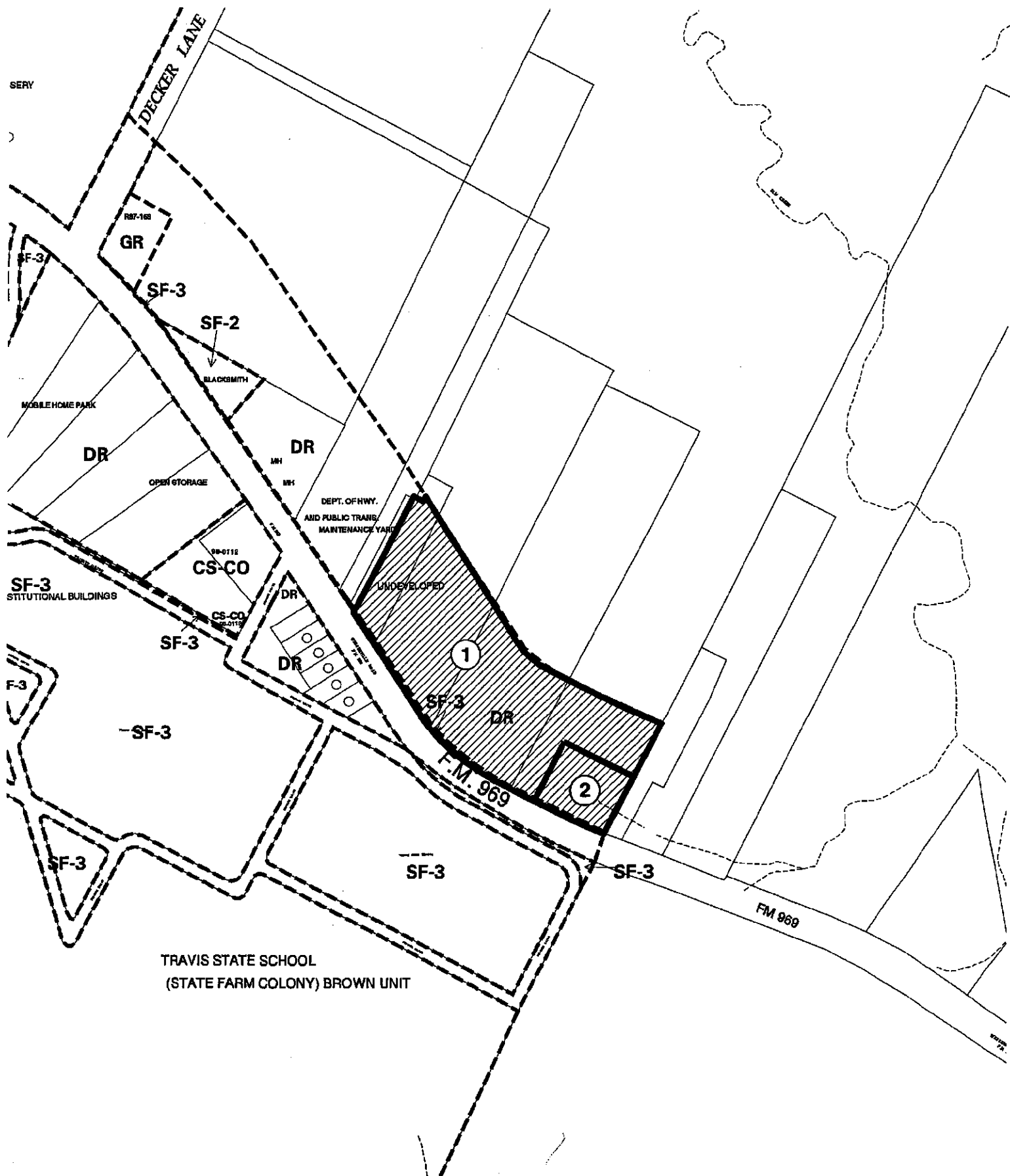
RELATED CASES:


There is a pending subdivision application on this property (case #C8J-04-0028) which provides for approximately 600 single-family units and 1 commercial lot.

ABUTTING STREETS:

Name	ROW	Pavement	Classification
FM 969	140'	70'	Major Arterial

CITY COUNCIL DATE: May 6, 2004**ACTION:****ORDINANCE READINGS:** 1st2nd3rd**ORDINANCE NUMBER:****CASE MANAGER:** Annick Beaudet**PHONE:** 974-2975



 1" = 400'	<p>SUBJECT TRACT PENDING CASE ZONING BOUNDARY CASE MGR: A.BEAUDET</p>	<p>ZONING</p> <p>CASE #: C14-04-0033</p> <p>ADDRESS: FM 969</p> <p>SUBJECT AREA (acres): 10.400</p>	<p>CITY GRID REFERENCE NUMBER</p> <p>P22</p>
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DATE: 04-02

INTLS: TRC

STAFF RECOMMENDATION

C14-04-0033

Staff recommends single-family small lot (SF-4A) district zoning for Tract 1 and community commercial-conditional overlay (GR-CO) district zoning for Tract 2. The CO would limit motor vehicle trip generation to 2,000 per day and prohibit the following uses: auto rental, auto repair, auto sales, auto washing (of any type), and drive in service as an accessory use to a commercial use.

BASIS FOR RECOMMENDATION

Tract 1:

1. The requested rezoning to SF-4A is compatible with the adjacent mobile home use and adjacent DR zoning. In addition, the subject tract is located in the City of Austin Desired Development Zone making it an appropriate location for small lot single family uses.
2. There have been new residential development introduced to the area recently (along Decker Lane) suggesting that the area is developing to support more dense residential uses making the requested SF-4A zoning more appropriate than the existing DR and SF-3 districts.

Tract 2:

1. Zoning should be consistent with an adopted area study or neighborhood plan. While there is no adopted neighborhood plan for this area, there is an adopted neighborhood plan for the area east of this property (the East MLK Combined Planning Area). Eleven tracts of land zoned via that neighborhood plan process received a similar conditional overlay that prohibited automobile related uses and drive-in service as an accessory use to commercial uses (among other prohibitions). Those tracts of land are predominately located adjacent to single-family property. This tract of land is situated similarly to those in the MLK planning area. Therefore, the staff recommendation has the result of the equal treatment of properties.
2. Zoning should promote compatibility with adjacent and nearby uses and should not result in detrimental impacts to a neighborhood. Zoning should locate retail zoning at the intersection of major roadways. The subject tract will be located at the intersection of a major arterial and neighborhood collector roadway (a subdivision creating the neighborhood collector roadway is currently under review by the City of Austin). There is a need for retail support services in the area making the GR request reasonable by satisfying a public need. However, due to the proposed single-family uses surrounding the proposed GR zoning on two sides, uses that could cause detrimental impacts to the neighborhood have been proposed for prohibition. Auto related uses (including service stations and driven in services) create noise and traffic conditions generally undesirable adjacent to single-family areas.

EXISTING CONDITIONS

Site Characteristics

The site is undeveloped and contains naturally occurring vegetation (see aerial photograph, Exhibit B).

Impervious Cover

The maximum impervious cover allowed by the SF-4A and GR zoning district would be 65% and 90% respectively. However, because the watershed impervious cover is more restrictive than the zoning district's allowable impervious cover, the impervious cover is limited by the watershed regulations. Under current watershed regulations, development or redevelopment on this site will be subject to the following impervious cover limits:

<i>Development Classification</i>	<i>% of Net Site Area</i>	<i>% with Transfers</i>
Single-Family (minimum lot size 5750 sq. ft.)	50%	60%
Other Single-Family or Duplex	55%	60%
Multifamily	60%	70%
Commercial	80%	90%

In the Water Quality Transition Zones, impervious cover is limited to 30%.

Environmental

The site is not located over the Edward's Aquifer Recharge Zone. The site is in the Elm Creek Watershed of the Colorado River Basin, which is classified as a Suburban Watershed by Chapter 25-8 of the City's Land Development Code.

According to flood plain maps, there is no flood plain in, or within close proximity of, the project location.

Standard landscaping and tree protection will be required in accordance with LDC 25-2 and 25-8 for all development and/or redevelopment.

At this time, site specific information is unavailable regarding existing trees and other vegetation, areas of steep slope, or other environmental features such as bluffs, springs, canyon rimrock, caves, sinkholes, and wetlands.

Under current watershed regulations, development or redevelopment on this site will be subject to the following water quality control requirements:

Structural controls: Sedimentation and filtration basins with increased capture volume and 2 year detention.

At this time, no information has been provided as to whether this property has any pre-existing approvals which preempt current water quality or Code requirements.

Transportation

The trip generation under the requested zoning is estimated to be 5,628 trips per day, assuming that the site develops to the maximum intensity allowed under the zoning classification (without consideration of setbacks, environmental constraints, or other site characteristics). The applicants proposed use of 9,000 square feet of retail and 45 single-family dwelling units will generate approximately 1,947 trips per day.

A traffic impact analysis was waived for this case because the applicant agreed to limit the intensity and uses for this development. If the zoning is granted, development should be limited through a conditional overlay to less than 2,000 vehicle trips per day. [LDC, 25-6-117]

Daily Traffic: N/A

FM 969 is classified in the Bicycle Plan as a Priority B bike route, (low usability).

Capital Metro bus service is available along FM 969 just north of the tract.

There are no existing sidewalks.

The Austin Metropolitan Area Transportation Plan calls for 140 feet of right-of-way for FM 969. If the requested zoning is granted for this site, then 10 feet of right-of-way from the existing centerline should be dedicated for FM 969 at time of subdivision or site plan approval.

Water and Wastewater

The landowner intends to serve the tract with City of Austin water and wastewater utility service. If water or wastewater utility improvements are required, the landowner will be responsible for all cost and for providing the utility improvements.

Stormwater Detention

At the time a final subdivision plat, subdivision construction plans, or site plan is submitted, the developer must demonstrate that the proposed development will not result in additional identifiable flooding of other property. Any increase in stormwater runoff will be mitigated through on-site stormwater detention ponds, or participation in the City of Austin Regional Stormwater Management Program if available.

Compatibility Standards

A small portion of this property is within the Controlled Compatible Land Use Area defined by Chapter 241 of the Local Government Code. Development on this property is limited by Chapter 25-13 of the Austin City Code. Airport hazards as defined in Federal Aviation Regulations Part 77, as adopted by the City in Sections 25-13-23, are prohibited. For more information, contact Shane M. Harbinson, Noise Abatement Officer at (512) 530-6652.

The site is subject to compatibility standards. Along the south property line, the following standards apply:

- No structure in excess of three stories or 40 feet in height may be constructed within 100 feet of the SF zoned property line.
- In addition, a fence, berm, or dense vegetation must be provided to screen adjoining properties from views of parking, mechanical equipment, storage, and refuse collection. Additional design regulations will be enforced at the time a site plan is submitted.

If residential zoning, SF-4A or lesser, is granted for Tract 1 and a commercial zoning is granted for Tract 2, via this rezoning case, compatibility standards will then apply to the development of Tract 2.



AUSTIN BLUE SKY INVESTMENTS, INC.

Ms. Annick Catherine Beaudet
Planner
Neighborhood Planning and Zoning Department
City of Austin
505 Barton Springs Road
Austin, Texas 78704

Re: Zoning Case C14-04-0033

Dear Ms. Beaudet:

Pursuant to our telephone conversation regarding the Conditional Overlay (CO) proposed to be added to the 1.23 acre GR site of the above referenced Case, we are agreeable to the excluded uses with the exception of gasoline pumps. A very likely use of the site in the future is a convenience store with gasoline pumps. This use will allow the residents of the proposed Woodlands residential community, approximately 600 detached single family homes, behind and north of the subject site to stay within their neighborhood and have direct access to a facility meeting their minor retail needs. Many residents would be able to utilize the facility as pedestrians thus eliminating unnecessary vehicle trips on FM 969 and/or Decker Lane. In today's market, convenience stores require the ability to have gasoline sales in order to be economically viable.

The concern specifically raised was the impact on the adjacent residential lot to the north (Lot 1 of Block E as per the submitted Preliminary Plan). The GR lot will have a twenty five foot (25') landscape buffer adjacent and parallel to this residential lot and will be required to construct a six foot (6') privacy fence per the Compatibility Standards of the Zoning Ordinance. In order to assure this strip of land adequately buffers the residential lot, we would agree to the requirement to plant 3-inch caliper live oak trees fifty feet (50') on-center with two 2-inch caliper cherry laurel, yaupon holly and/or equivalent trees placed between the live oak trees in all portions of this strip not containing existing trees (the site has many existing trees that may already be in this strip). The live oak trees will grow to heights of 30 plus feet with a spread of up to 50 feet. The cherry laurel and yaupon holly trees will grow to heights of 12 to 30 feet with spreads of 12 to 30 feet. Combined with the 6 foot privacy fence, this combination of plantings should provide a very workable and attractive evergreen buffer between the residential lot and the GR lot.

Exhibit A

Additionally, we would also agree that the gasoline pumps be located along the GR lot frontage with FM 969 as opposed to along Bantom Woods Bend and, therefore, be located away from the residential use.

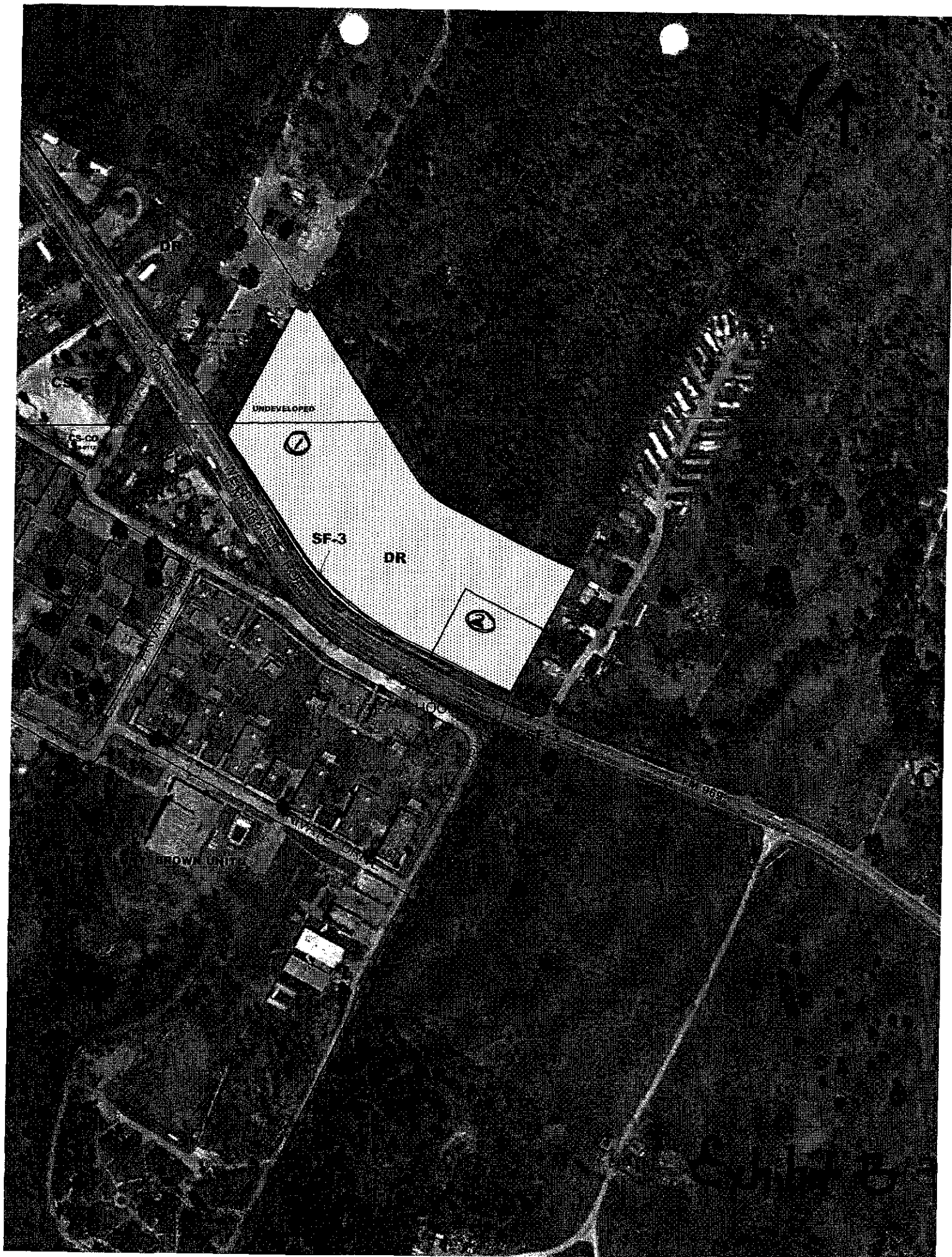
Thank you for your attention to this matter. If I can provide any further information or clarification, do not hesitate to call.

Sincerely,

A handwritten signature in black ink that reads "John Bolt Harris". The signature is written in a cursive, flowing style.

John Bolt Harris
President

enclosure



ORDINANCE NO. _____

1 AN ORDINANCE REZONING AND CHANGING THE ZONING MAP FOR THE
2 PROPERTY LOCATED AT 9000-9210 F.M. 969 FROM DEVELOPMENT
3 RESERVE (DR) DISTRICT AND FAMILY RESIDENCE (SF-3) DISTRICT TO
4 SINGLE FAMILY RESIDENCE SMALL LOT-CONDITIONAL OVERLAY (SF-
5 4A-CO) COMBINING DISTRICT FOR TRACT ONE AND COMMUNITY
6 COMMERCIAL-CONDITIONAL OVERLAY (GR-CO) COMBINING DISTRICT
7 FOR TRACT TWO.

8
9 BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

10
11 **PART 1.** The zoning map established by Section 25-2-191 of the City Code is amended to
12 change the base districts on the property described in Zoning Case No.C14-04-0033, on
13 file at the Neighborhood Planning and Zoning Department, as follows:

14
15 Tract One: From development reserve (DR) district and family residence (SF-3)
16 district to single family residence small lot-conditional overlay (SF-4A-CO)
17 combining district.

18
19 Three tracts of land consisting of a 4.58 acre tract, a 3.20 acre tract and a 1.39 acre
20 tract, more or less, out of the Phillip McElroy Survey No. 18 in Travis County, the
21 tracts of land being more particularly described by metes and bounds in Exhibits
22 "A-1, A-2, and A-3" incorporated into this ordinance; and
23 (the "Property")

24
25 Tract Two: From development reserve (DR) district and family residence (SF-3)
26 district to community commercial-conditional overlay (GR-CO) combining
27 district.

28
29 A 1.23 acre tract of land, more or less, out of the Phillip McElroy Survey No. 18 in
30 Travis County, the tract of land being more particularly described by metes and
31 bounds in Exhibit "B" incorporated into this ordinance, (the "Property")

32
33
34 locally known as 9000-9210 F.M. 969, in the City of Austin, Travis County, Texas, and
35 generally identified in the map attached as Exhibit "C".
36

PART 2. The Property within the boundaries of the conditional overlay combining district established by this ordinance is subject to the following conditions:

1. A site plan or building permit for the Property may not be approved, released, or issued, if the completed development or uses of the Property, considered cumulatively with all existing or previously authorized development and uses, generate traffic that exceeds 2,000 trips per day.
2. The following uses are prohibited uses of the Property identified as Tract 2:

Automotive repair services	Automotive washing (of any type)
Automotive rentals	Automotive sales
Pawn shop services	Exterminating services
Personal improvement services	Guidance services
3. Drive-in services use is prohibited as an accessory use to a commercial use on Tract Two.

Except as specifically restricted under this ordinance, the Property may be developed and used in accordance with the regulations established for the respective base districts and other applicable requirements of the City Code.

PART 3. This ordinance takes effect on _____, 2004.

PASSED AND APPROVED

_____, 2004 §
 §
 §

Will Wynn
Mayor

APPROVED: _____ **ATTEST:** _____
 David Allan Smith Shirley A. Brown
 City Attorney City Clerk

SF-4A
(1083)

EXHIBIT "A" /

4.58 ACRES,
PHILLIP MCELROY SURVEY NO. 18, ABSTRACT 16
TRAVIS COUNTY TAX PARCEL NO. 02 1031 05 16

FIELD NOTES

BEING ALL OF THAT CERTAIN TRACT OR PARCEL OF LAND OUT OF AND A PART OF THE PHILLIP MCELROY SURVEY NO. 18, ABSTRACT 16, SITUATED IN TRAVIS COUNTY, TEXAS, SAID TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED AS BEING OUT OF AND A PART OF THAT CERTAIN TRACT OF LAND CONVEYED BY WARRANTY DEED DATED MAY 12, 1998 TO DAVID W. NELSON, TRUSTEE OF THE EUGENE W. NELSON CREDIT SHELTER TRUST, RECORDED IN VOLUME 13181, PAGE 339 OF THE REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS, SAID TRACT BEING 4.58 ACRES OF LAND MORE FULLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at an iron rod found for the west corner of said Nelson tract, in the north line of F. M. No. 969 a 100-foot wide right-of-way shown on the Right-Of-Way Map Control No. 1186 Section 1 Job 1, Dated October 1949, being also southeast corner of that certain tract of land described in a deed to State Department of Highways and Public Transportation, recorded in Volume 7096, page 2232 of the Deed Records of Travis County, Texas, the for the west corner of the herein described 4.58 acre tract of land,

THENCE, with the common line of said Nelson tract and said State Department of Highways and Public Transportation, the following three (3) course and distances, numbered 1 through 3,

1. N30°31'34"E, a distance of 423.72 feet to an iron rod found for a northwestern exterior ell corner said Nelson tract,
2. S59°44'46"E, a distance of 35.50 feet to an iron rod found for an interior corner of said Nelson tract,
3. N30°27'50"E, a distance of 17.12 feet to a point, for the north corner of the herein described tract of land,

THENCE, leaving said common line over and across said Nelson tract, S29°34'27"E, a distance of 461.70 feet to a point in the southeast line of said Nelson tract and northwest line of a that certain 10.00 acre tract of land conveyed by deed dated October 8, 1956 to Gene N. Jones, recorded in Volume 1747, Page 149 of the Deed Records of Travis County, Texas, for the east line of the herein described tract,

EXHIBIT "A"

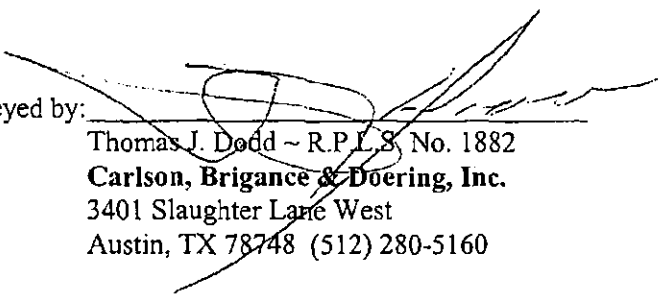
4.58 ACRES,
PHILLIP MCELROY SURVEY NO. 18, ABSTRACT 16
TRAVIS COUNTY TAX PARCEL NO. 02 1031 05 16

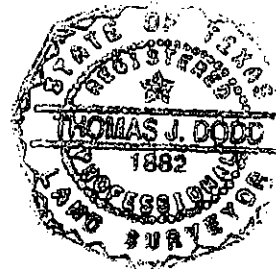
THENCE, with said common lines of Nelson and Jones tract, S30°27'50"W, a distance of 447.79 feet to a point for the west corner of said Jones tract, in the said north right-of-way line of F.M. 969, being also a south corner said Nelson tract and of the herein described tract of land,

THENCE, with the said north right-of-way line of F.M. 969, being also the south line of said Nelson tract, and the herein described tract, the following two (2) courses and distances, numbered 1 and 2,

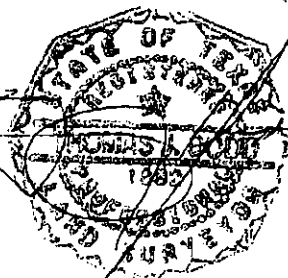
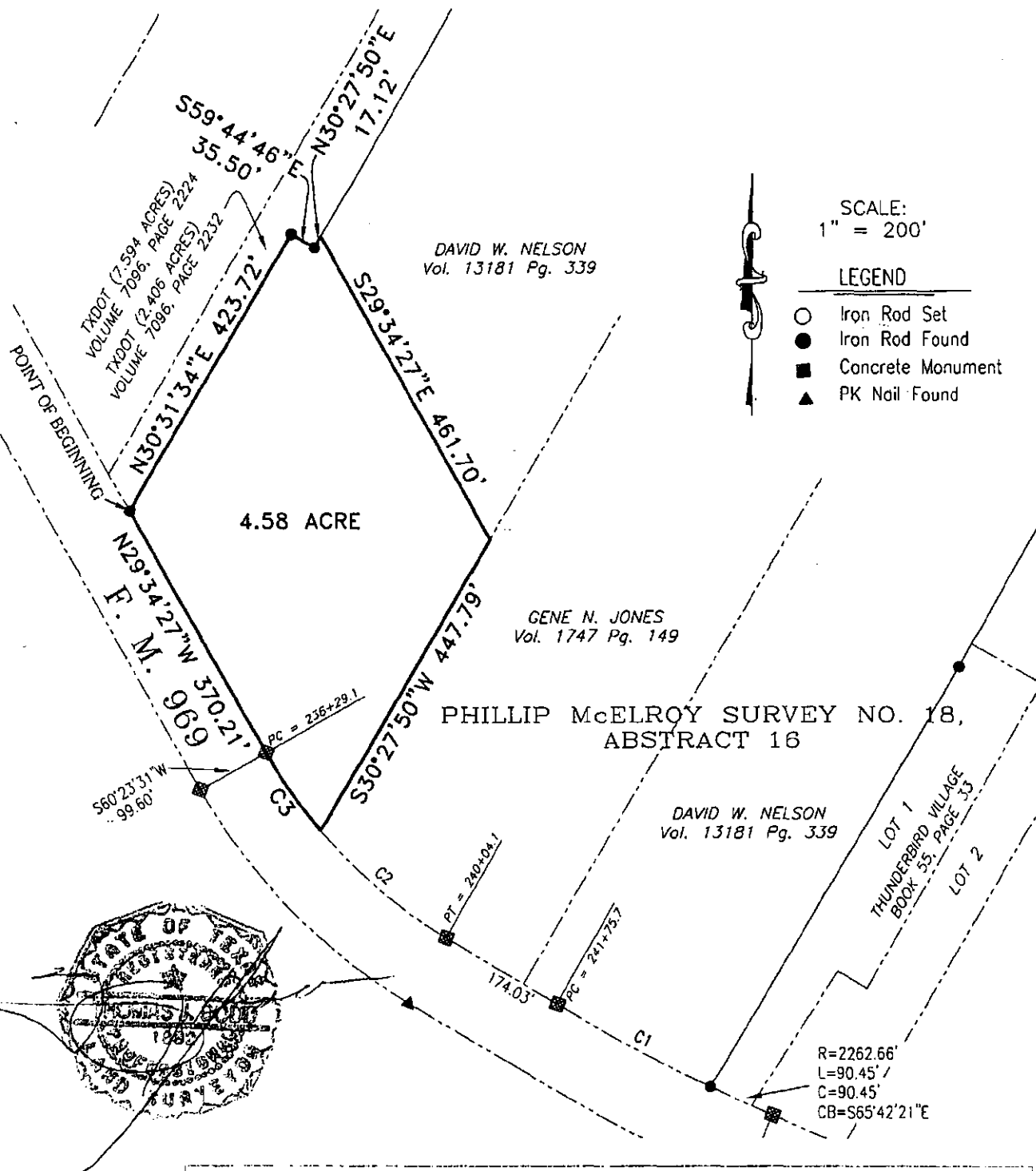
1. with said curve to the right, having a radius of 666.20 feet, an arc length of 126.83 feet and whose chord bears, N35°02'06"W, a distance of 126.63 feet to a concrete highway monument found for F.M. 969 Highway Station 236+29.1, from which point a concrete highway monument found in the south right-of-way line of said F.M. 969 bears, S23°54'05"W, a distance of 99.94 feet, and
2. N29°34'27"W, a distance of 370.21 feet to the **POINT OF BEGINNING** and containing 4.58 Acres of Land.

Surveyed by:


Thomas J. Dodd ~ R.P.L.S. No. 1882
Carlson, Brigrance & Doering, Inc.
3401 Slaughter Lane West
Austin, TX 78748 (512) 280-5160



TRAVIS COUNTY TAX PARCEL NO. 02 1031 05 16
BEARING BASIS FROM RECORDED PARTITION DEED - VOL. 4083 PG. 1931
MAPCO 587 22-23 R V



CURVE TABLE						
CURVE	RADIUS	ARC	DELTA	CH. BEARING	CHORD	TANGENT
C1	2262.66'	231.41'	05°51'35"	N61°37'51"W	231.31'	115.81'
C2	666.20'	221.92'	19°05'08"	N50°01'53"W	220.89'	112.00'
C3	666.20'	126.83'	10°54'27"	N35°02'06"W	126.63'	63.61'
C4	266.20'	142.85'	30°44'51"	S44°56'14"E	141.15'	73.19'
C5	1862.66'	230.37'	07°05'10"	S62°07'32"E	230.22'	115.33'

A SKETCH TO ACCOMPANY FIELD NOTES

Travis County Tax Parcel No. 02 1031 05 16
file: proj\3922-013\survey\zoning-400ft.dwg Date: 1-27-04

Carlson, Brigrance & Doering, Inc.

Civil Engineering • Surveying

3401 Slaughter Lane West • Austin, Texas 78748

PH: (512) 280-5160 • FAX: (512) 280-5165

SF-4A
(2 of 3)

EXHIBIT "A"-2

3.20 ACRES,
PHILLIP MCELROY SURVEY NO. 18, ABSTRACT 16
TRAVIS COUNTY TAX PARCEL NO. 02 1031 05 05

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BEGINNING, at a concrete highway monument found, in the south line of said Jones tract, being also the north line of F.M. 969 Highway a 100-foot wide right-of-way shown on the Right-Of-Way Map Control No. 1186 Section 1 Job 1, Dated October 1949, for Station 240+04.1,

THENCE, with said curve to the right, having a radius of 666.20 feet, an arc length of 221.92 feet and whose chord bears, N50°01'53"W, a distance of 220.89 feet to a point for the a south corner of David W. Nelson, Trustee, Volume 13181, Page 339 of the Real Property Records of Travis County, Texas, being also the west corner of said Jones tract, and of the herein described tract of land, continue for a reference with said curve to the right having a radius of 666.20 feet, an arc length of 126.83 feet and whose chord bears, N35°02'06"W, a distance of 126.63 feet to a concrete highway monument found for F.M. 969 Highway Station 236+29.1, from which point a concrete highway monument found in the south right-of-way line of said F.M. 969 bears, S23°54'05"W, a distance of 99.94 feet,

THENCE, N30°27'50"E, along said common line of Nelson and Jones tracts, a distance of 447.79 feet to a point for the north corner of the herein described tract of land,

THENCE, over and across said Jones tract, the following three (3) courses and distances, numbered 1 through 3,

1. S29°34'27"E, a distance of 97.45 feet to a point of curvature to the left,
2. with said curve to the left, having a radius of 266.20 feet, an arc length of 142.85 feet and whose chord bears S44°56'14"E, a distance of 141.15 feet to a point,

EXHIBIT "A"

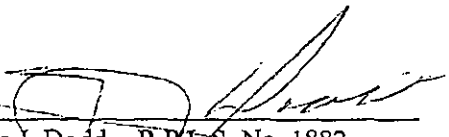
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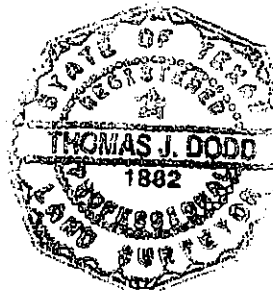
1. S59°51'34"E, a distance of 117.99 feet to point in the southeast line of said Jones tract, being also the northwest line of said Nelson tract, for the east corner of the herein described tract of land,

THENCE, with the said common line of Jones and Nelson tract, S30°27'50"W, a distance of 400.01 feet to a point in the north line of F.M. 969 Highway, for a west corner of said Nelson tract, being also the south corner of said Jones tract and of the herein described tract of land,

THENCE, with the common line of said Jones tract and said F.M. 969, N59°51'34"W, a distance of 121.14 feet to the **POINT OF BEGINNING** and containing 3.20 Acres of Land.

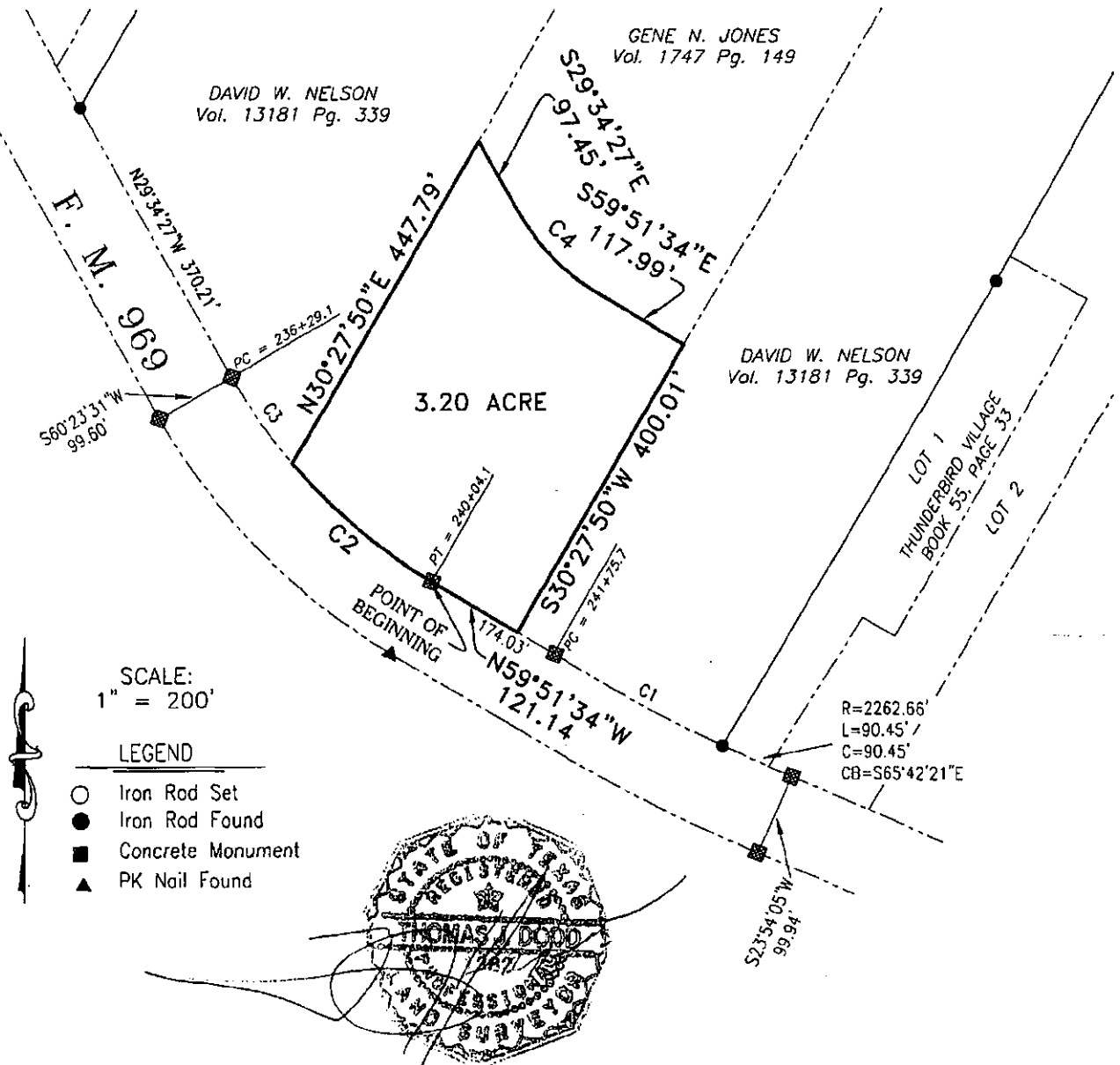
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BEARING BASIS FROM RECORDED PARTITION DEED - VOL. 4083 PG. 1931
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PHILLIP McELROY SURVEY NO. 18,
ABSTRACT 16



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C3	666.20'	126.83'	10°54'27"	N35°02'06"W	126.63'	63.61'
C4	266.20'	142.85'	30°44'51"	S44°56'14"E	141.15'	73.19'
C5	1862.66'	230.37'	07°05'10"	S62°07'32"E	230.22'	115.33'

A SKETCH TO ACCOMPANY FIELD
NOTES

Travis County Tax Parcel No. 02 1031 05 05
file: proj\3922-013\survey\zoning-400ft.dwg Date: 1-27-04

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PH: (512) 280-5160 • FAX: (512) 280-5165

SF-4A
(30'2)

EXHIBIT "A" 3

1.39 ACRES,
PHILLIP MCELROY SURVEY NO. 18, ABSTRACT 16
TRAVIS COUNTY TAX PARCEL NO. 02 1031 05 03

FIELD NOTES

BEING ALL OF THAT CERTAIN TRACT OR PARCEL OF LAND OUT OF AND A PART OF THE PHILLIP MCELROY SURVEY NO. 18, ABSTRACT 16, SITUATED IN TRAVIS COUNTY, TEXAS, SAID TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED AS BEING OUT OF AND A PART OF THAT CERTAIN TRACT OF LAND CONVEYED BY WARRANTY DEED DATED MAY 12, 1998 TO DAVID W. NELSON, TRUSTEE OF THE EUGENE W. NELSON CREDIT SHELTER TRUST, RECORDED IN VOLUME 13181, PAGE 339 OF THE REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS, SAID TRACT BEING 1.39 ACRES OF LAND MORE FULLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

COMMENCING, at an iron rod found for the south corner of said Nelson tract, in the north line of F. M. No. 969 a 100-foot wide right-of-way shown on the Right-Of-Way Map Control No. 1186 Section 1 Job 1, Dated October 1949, for the west corner of Lot 1, Thunderbird Village, a subdivision recorded in Book 55, Page 33 of the Plat Records of Travis County, Texas, ,

THENCE, along common line of said Nelson tract and Lot 1, N30°34'48"E, a distance of 207.65 feet to a point for the southeast corner and the **POINT OF BEGINNING** of the herein described 1.39 Acres of Land.

THENCE, leaving said common line over and across said Nelson tract, the following two (2) courses and distance, numbered 1 and 2,

1. N59°51'34"W, a distance of 251.49 feet to a point for an interior ell corner, and
2. S30°08'26"W, a distance of 214.79 feet to a point in the north right-of-way line of said F.M. 969, being also the south line of said Nelson tract, for the south corner of the herein described tract, from which a concrete highway monument Station 241+75.7 bears S59°51'34"E, a distance of 18.70 feet,

THENCE, with said right-of-way, N59°51'34"W, a distance of 34.19 feet to a point for the south corner of that certain 10.00 acre tract of land conveyed by deed dated October 8, 1956 to Gene N. Jones, recorded in Volume 1747, Page 149 of the Deed Records of Travis County, Texas, being also the west corner of said Nelson tract and of the herein described tract, from which a concrete highway monument, Station 240+04.1 bears N59°51'34"W, a distance of 121.14 feet,

EXHIBIT "A"

1.39 ACRES,
PHILLIP MCELROY SURVEY NO. 18, ABSTRACT 16
TRAVIS COUNTY TAX PARCEL NO. 02 1031 05 03

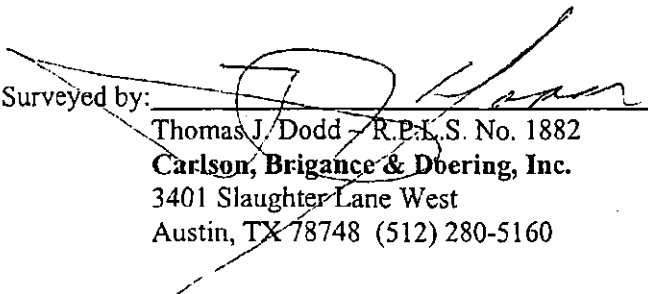
THENCE, with the common line of said Nelson tract and of said Jones tract, N30°27'50"E, a distance of 400.01 feet, to a point, for the north corner of the herein describe tract of land,

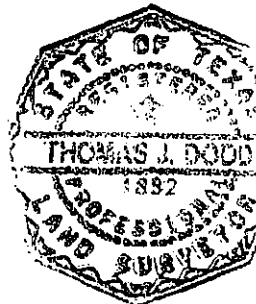
THENCE, leaving said common line over and across said Nelson tract, the following two (2) courses and distance, numbered 1 and 2,

1. S59°51'34"E, a distance of 54.87 feet to a point of curvature to the left, and
2. with said curve to the left, having a radius of 1862.66 feet, an arc length of 230.37 feet and whose chord bears S62°07'32"E, a distance of 230.22 feet to a point in the southeast line of said Nelson tract being also the northwest line of said Lot 1, Thunderbird Village, for the east corner of the herein described tract,

THENCE, with said common line of Nelson tract and Lot 1, S30°34'48"W, a distance of 194.31 feet to **POINT OF BEGINNING** and containing 1.39 Acres of Land.

Surveyed by:


Thomas J. Dodd - R.P.L.S. No. 1882
Carlson, Brigrance & Dbering, Inc.
3401 Slaughter Lane West
Austin, TX 78748 (512) 280-5160



BEARING BASIS FROM RECORDED PARTITION DEED - VOL. 4083 PG. 1931
TRAVIS COUNTY TAX PARCEL NO. 02 1031 05 03
MAPCO 587 22-23 R V

PHILLIP McELROY SURVEY NO. 18,
ABSTRACT 16

DAVID W. NELSON
Vol. 13181 Pg. 339

GENE N. JONES
Vol. 1747 Pg. 149

DAVID W. NELSON
Vol. 13181 Pg. 339

F. M. 969

S60°23'31"W
99.60'

N29°34'27"W 370.21'

PC = 236+29.1

N59°51'34"W
34.19'

PT = 240+04.1

121.14'

18.70'

R = 244+75.7

N30°27'50"E 400.01'

214.79'

S30°08'26"W

251.49'

N59°51'34"W

1.39 ACRE

POINT OF BEGINNING

POINT OF COMMENCEMENT

N30°34'48"E

207.05'

S23°54'05"W

99.94'

R=2262.66'

L=90.45'

C=90.45'

CB=S65°42'21"E

S30°34'48"W

194.31'

S59°51'34"E

54.87'

C5

LOT 1

THUNDERBIRD VILLAGE

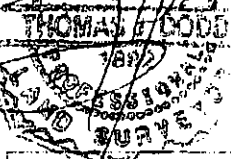
BOOK 35, PAGE 33

LOT 2

SCALE:
1" = 200'

LEGEND

- Iron Rod Set
- Iron Rod Found
- Concrete Monument
- ▲ PK Nail Found



CURVE TABLE

CURVE	RADIUS	ARC	DELTA	CH. BEARING	CHORD	TANGENT
C1	2262.66'	231.41'	05°51'35"	N61°37'51"W	231.31'	115.81'
C2	666.20'	221.92'	19°05'08"	N50°01'53"W	220.89'	112.00'
C3	666.20'	126.83'	10°54'27"	N35°02'06"W	126.63'	63.61'
C4	266.20'	142.85'	30°44'51"	S44°56'14"E	141.15'	73.19'
C5	1862.66'	230.37'	07°05'10"	S62°07'32"E	230.22'	115.33'

A SKETCH TO ACCOMPANY FIELD
NOTES

Travis County Tax Parcel No. 02 1031 05 03
file: proj\3922-013\survey\zoning-400ft.dwg Date: 1-29-04



Carlson, Brigrance & Doering, Inc.

Civil Engineering • Surveying
3401 Slaughter Lane West • Austin, Texas 78748
PH: (512) 280-5160 • FAX: (512) 280-5165

EXHIBIT "A" - 7

1.23 ACRES,
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THENCE, with the north right-of-way line of said F.M. 969, being also the south line of the said Nelson tract and of herein described tract, the following two (2) courses and distances, numbered 1 and 2,

1. with a curve to the right, having a radius of 2262.66 feet, an arc length of 231.41 feet and whose chord bears, N61°37'51"W, a distance of 231.31 feet to a concrete highway monument Station 241+75.7,
2. N59°51'34"W, a distance of 18.70 feet to a point for the west corner of the herein described tract, from which a concrete highway monument Station 240+04.1, bears N59°51'34"W, a distance of 155.33,

THENCE, leaving said right-of-way, over and across said Nelson tract, the following two (2) courses and distance, numbered 1 and 2,

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EXHIBIT "A"

1.23 ACRES,
PHILLIP MCELROY SURVEY NO. 18, ABSTRACT 16
TRAVIS COUNTY TAX PARCEL NO. 02 1031 05 03

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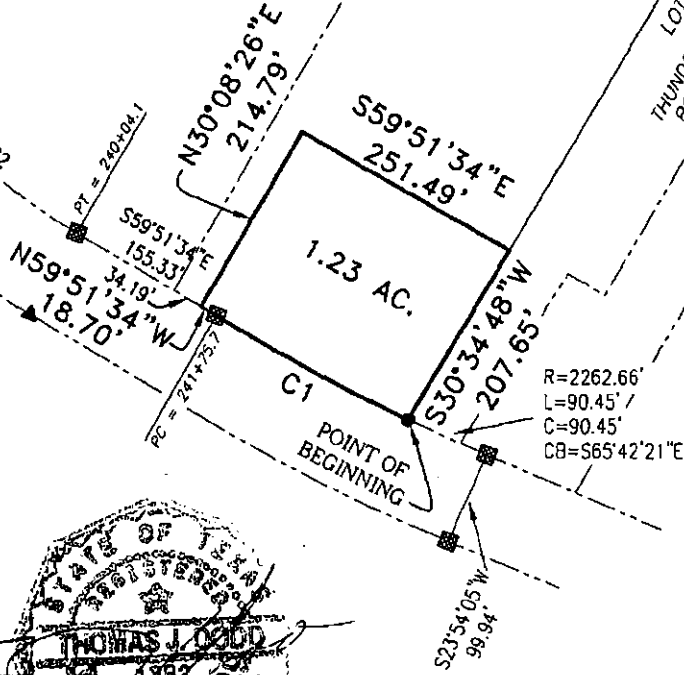
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BOOK 35, PAGE 33
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Travis County Tax Parcel No. 02 1031 05 03
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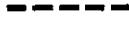
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 1" = 400'	<p>SUBJECT TRACT </p> <p>PENDING CASE </p> <p>ZONING BOUNDARY </p> <p>CASE MGR: A.BEAUDET</p>	<p>ZONING <i>EXHIBIT C</i></p> <p>CASE #: C14-04-0033</p> <p>ADDRESS: FM 969</p> <p>SUBJECT AREA (acres): 10.400</p> <p>DATE: 04-02</p> <p>INTLS: TRC</p>		<p>CITY GRID REFERENCE NUMBER</p> <p>P22</p>
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MEMORANDUM

TO: Betty Baker, Chair and Members of the Zoning and Platting Commission

FROM: Dora Anguiano, Zoning and Platting Commission Coordinator
Neighborhood Planning and Zoning Department

DATE: April 27, 2004

SUBJECT: Zoning and Platting Commission Summary

Attached is a Zoning and Platting Commission summary, which will be forwarded to the City Council.

CASE # C14-04-0033

14. C14-04-0033 – A.K. NELSON JR., JOAN NELSON, WINNA GENE NELSON, ROSE NELSON, Trustee (For the Eugene Nelson Credit Shelter Trust), By: Austin Blue Sky Investments (John Bolt Harris), 9000-9210 FM 969. (Elm Creek). **FROM SF-3; DR TO SF-4A (TRACT 1); GR (TRACT 2). RECOMMENDED (TRACT 1); ALTERNATE RECOMMENDATION: GR-CO (TRACT 2). City Staff: Annick Beaudet, 974-2975.**

SUMMARY

Annick Beaudet, staff – “This is a zoning request from DR and SF-3 to SF-4A for tract 1 and GR for tract 2. Tract 1 is approximately 9-acres and tracts 2 is approximately 1 acre. The staff has an alternate recommendation; we are recommending SF-4A for tract 1; and GR-CO for tract 2. The CO would limit the tract to 2000 motor vehicle trips and prohibit auto related uses, which are rental, repair, sales and washing of any type. Drive in services as an accessory use and service stations. The basis of the staff recommendation is for tract 1, we think that the SF-4A is compatible to the adjacent uses. There’s a mobile home park adjacent; across the street there’s going to be a submitted planned unit development for a mix of civic and multi-family uses. So I feel that the SF-4A is appropriate in the area. There’s also been recent multi-family development along Decker Lane, which is in close proximity to the area by the Travis County Expo Center. We feel that the area is appropriate for small lot single-family or for the increased density. Tract 1, we are recommending the CO for the auto related uses, the service station, drive in services; consistent with the conditional overlays that were applied to similar properties in the Combined MLK Area Neighborhood Plan, that neighborhood planning area is the closest planning area to this subject tract. Of all the tracts of land that are in proximity to single-family neighborhoods, received a similar conditional overlay with more conditions and prohibited uses than what we are recommending. We felt that these were the predominant ones that come up being incompatible with residential environments. Given that, this GR tract is surrounded on two sides by platted single-family, SF-4A lots. We wanted to provide for neighborhood services, but also protect from those incompatible uses”. “The applicant is in agreement with most of the conditional overlays, except for that of the prohibition of service stations. He has proposed buffering mechanisms, which is in the back up in a letter that he submitted to me. I will say for the record that this applicant has been a pleasure to work with; I think this case came in after I had four very bad cases with applicants, he was very professional in working with me and I’d like to say that staff appreciates that behavior”.

John Harris, applicant – “The zoning change covers approximate 9.5 acres; that portion out of 155 acre tract that is within the city limits. The proposed development of the property is attached single-family residential community of approximately 575 homes, The Woodlands; and a 1.2-acre general retail site. I’m going to direct my comments to the GR request; we are in agreement with the proposed CO with the exception of excluding service stations. We anticipate a very likely use of this site to be a convenient store with gas pumps. With a plan development of almost a 600 home community north of the subject site, we believe easy access to a homeowner’s minor retail needs, as provided for by a convenient store, is good planning. Many of the residents of The

Woodlands, would be able to walk or ride a bike to this location with the internal roadway crossing of Elm Creek. All residents in The Woodlands project, would be able to access this site without the need to leave the community and get onto an arteriole roadway. Why are gasoline pumps so important? From discussions with several store operators, convenient stores without the revenue stream of gasoline sales are not financially viable. A convenient store won't happen without such ability. The last few weeks, I've been looking throughout the suburban Austin Area for a convenient store, built in the last decade, without gasoline pumps. I have not found one. From the proposed site, a resident would have to travel East on FM 969, through the Decker Lane intersection to get a gallon of milk or loaf of bread. The next closest location is almost 1 mile and ½ north on Decker Lane at Loyola Lane. Neither of these 4-lane roadways have sidewalks, making it an unlikely trip for pedestrians. Staff has raised the issue of the impact of the residential neighborhoods; specifically the residential lot north of this site, compatibility standards will require a buffer by the commercial use along this common property line. We propose to plant a 25-foot wide landscape area with earth and berm, privacy fence and evergreen trees. An illustration of this buffer is attached to the handout. We would agree that the gas pump should be located along the frontage of FM 969 and not directed at proposed Bantam Woods Bend. We would also agree to adjust the lot size of the adjacent residential lot, allowing for a 10-foot side yard setback, as opposed to the standard 5-feet. We believe these actions will mitigate the potential impact on the residential lot; and thus provide the benefits to the residents of The Woodlands community from having retail services within their neighborhood".

Commissioner Pinnelli – "How far is it to go get a gallon of gas?"

Mr. Harris – "Both of the stores that I mentioned are convenient stores with gasoline".

Commissioner Whaley – "Would you be willing to add pawnshops to your list of prohibited uses?"

Mr. Harris – "Yes".

Commissioner Baker – "How about exterminating services?"

Mr. Harris – "Sure".

Commissioner Baker – "Personal improvement services?"

Mr. Harris – "I don't even know what that is".

Commissioner Baker – "Like a nude modeling studio or lingerie..."

Commissioner Whaley – "Like a physical fitness studio as well".

Mr. Harris – "That would be fine to include as prohibited".

Commissioner Baker – “How about guidance services?”

Mr. Harris – “I don’t think that’s appropriate adjacent to a neighborhood; I agree to prohibit”.

Commissioner Whaley – “I wanted to talk about the SF-4A; Mr. Perryman, can you show me a little more map on G.I.S?”

Commissioner Baker – “Is this SMART Housing?”

Mr. Harris – “It’s currently not SMART Housing; to qualify for SMART Housing, we have to be whole into the City Limits; but what we would anticipate in similar projects that I’ve worked on that are in the same status as this; when we file our first final plat, staff is going to put our project on for annexation, which we have already submitted a voluntary annexation request. As a function as being annexed in, we will then qualify”.

Commissioner Whaley – “Okay; I don’t see any other small lot subdivision around there. I wonder how fair that is to people who live there”.

Mr. Harris – “The only residences that exist are a rental mobile home park along the eastern property line; you have the area that you see, the roadway network, that community that is a road network, we have a small piece of connectivity in the overall project. It’s a pretty rough neighborhood, that’s our closest residential neighborhood”.

Commissioner Whaley – “Where is the mobile home park?”

Mr. Harris – “The mobile home park is located along the boundary (pointing to map)”.

Commissioner Whaley – “How big are the lots?”

Mr. Harris – “It’s a rental mobile home park; it extends back along this property line; it’s eclectic”.

Commissioner Whaley – “That’s very polite; he is nice. I’ve seen some of these SF-4A cases; my concern is that usually about sticking SF-4A next to people with established large lots”.

Mr. Harris – “We have the mobile home community here; this is a Txdot facility; it’s a service center that occupies this piece of property (pointing to map). This is all vacant land and owned by Baker Hughes from Houston; they have a training facility. There is a residential preliminary plan that has been filed on this tract and is pending. To the north are vacant tracts, agricultural uses are going on”.

Commissioner Whaley – “The pending tract is for what type of lot subdivision?”

Ms. Annick – “Maybe Don can help me out. I don’t have that information on that subdivision, but we can look it up on the G.I.S and come back and tell you”.

Commissioner Whaley – “Thank you”.

Mr. Harris – “Staff is asking us to include in the wastewater facility that we will build on this project, we’re oversizing that facility and one of the tracts that allocation of service is going into is this plan community. The preliminary plat that we looked at in a meeting, appeared to be lots that were 50 x 115, it’s about a 30 acre tract with 150 homes on it; it is the property right there in the northeast corner of Hog Eye Road and Decker Lane”.

OPPOSITION

No speakers.

Commissioner Martinez and Gohil moved to close the public hearing.

Commissioner Martinez – “I’d like to make a motion; I will take it in two parts. First, for tract 1, I’d like to approve staff recommendation of SF-4A zoning”.

Commissioner Baker – “I’ll second”.

Aye.

Commissioner Martinez – “My second motion is on tract 2, to go with staff recommendation, which is GR-CO zoning. The CO will limit motor vehicle trip generation to 2000 per day; prohibit auto rental, auto sales, auto repair, auto washing of any type and drive in service as an accessory use to a commercial use, including exterminating services, pawnshops, personal improvement services, and guidance services”.

Commissioner Pinnelli – “Second”.

Aye.

Mr. Harris – “The CO is for 2000 vehicle trips for both tracts combined?”

Commissioner Martinez – “Yes”.

Motion carried.

COMMISSION ACTION:

MOTION:

**(TRACT 1) MARTINEZ, BAKER
(TRACT 2) MARTINEZ, PINNELLI
FOR TRACT 1 – APPROVED STAFF'S
RECOMMENDATION OF SF-4A
ZONING.**

**FOR TRACT 2 – APPROVED GR-CO
ZONING WITH PROHIBITED USES
OF: AUTO RENTAL; AUTO REPAIR;
AUTO SALES; AUTO WASHING (ANY
TYPE); DRIVE-IN SERVICES (AS
ACCESSORY USE);
EXTERMINATING SERVICES;
PAWNSHOPS; PERSONAL
IMPROVEMENT SERVICES; AND
GUIDANCE SERVICES;**

*** 2000 VEHICLE TRIP LIMIT FOR
TRACT 1 & 2 COMBINED**

AYES:

**PINNELLI, GOHIL, MARTINEZ,
BAKER, WHALEY, DONISI,
HAMMOND.**

ABSENT:

JACKSON

MOTION CARRIED WITH VOTE: 7-0.

MEMORANDUM

TO: Betty Baker, Chair and Members of the Zoning and Platting Commission

FROM: Dora Anguiano, Zoning and Platting Commission Coordinator
Neighborhood Planning and Zoning Department

DATE: April 27, 2004

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Commissioner Whaley – “I wanted to talk about the SF-4A; Mr. Perryman, can you show me a little more map on G.I.S?”

Commissioner Baker – “Is this SMART Housing?”

Mr. Harris – “It’s currently not SMART Housing; to qualify for SMART Housing, we have to be whole into the City Limits; but what we would anticipate in similar projects that I’ve worked on that are in the same status as this; when we file our first final plat, staff is going to put our project on for annexation, which we have already submitted a voluntary annexation request. As a function as being annexed in, we will then qualify”.

Commissioner Whaley – “Okay; I don’t see any other small lot subdivision around there. I wonder how fair that is to people who live there”.

Mr. Harris – “The only residences that exist are a rental mobile home park along the eastern property line; you have the area that you see, the roadway network, that community that is a road network, we have a small piece of connectivity in the overall project. It’s a pretty rough neighborhood, that’s our closest residential neighborhood”.

Commissioner Whaley – “Where is the mobile home park?”

Mr. Harris – “The mobile home park is located along the boundary (pointing to map)”.

Commissioner Whaley – “How big are the lots?”

Mr. Harris – “It’s a rental mobile home park; it extends back along this property line; it’s eclectic”.

Commissioner Whaley – “That’s very polite; he is nice. I’ve seen some of these SF-4A cases; my concern is that usually about sticking SF-4A next to people with established large lots”.

Mr. Harris – “We have the mobile home community here; this is a Txdot facility; it’s a service center that occupies this piece of property (pointing to map). This is all vacant land and owned by Baker Hughes from Houston; they have a training facility. There is a residential preliminary plan that has been filed on this tract and is pending. To the north are vacant tracts, agricultural uses are going on”.

Commissioner Whaley – “The pending tract is for what type of lot subdivision?”

Ms. Annick – “Maybe Don can help me out. I don’t have that information on that subdivision, but we can look it up on the G.I.S and come back and tell you”.

Commissioner Whaley – “Thank you”.

Mr. Harris – “Staff is asking us to include in the wastewater facility that we will build on this project, we’re oversizing that facility and one of the tracts that allocation of service is going into is this plan community. The preliminary plat that we looked at in a meeting, appeared to be lots that were 50 x 115, it’s about a 30 acre tract with 150 homes on it; it is the property right there in the northeast corner of Hog Eye Road and Decker Lane”.

OPPOSITION

No speakers.

Commissioner Martinez and Gohil moved to close the public hearing.

Commissioner Martinez – “I’d like to make a motion; I will take it in two parts. First, for tract 1, I’d like to approve staff recommendation of SF-4A zoning”.

Commissioner Baker – “I’ll second”.

Aye.

Commissioner Martinez – “My second motion is on tract 2, to go with staff recommendation, which is GR-CO zoning. The CO will limit motor vehicle trip generation to 2000 per day; prohibit auto rental, auto sales, auto repair, auto washing of any type and drive in service as an accessory use to a commercial use, including exterminating services, pawnshops, personal improvement services, and guidance services”.

Commissioner Pinnelli – “Second”.

Aye.

Mr. Harris – “The CO is for 2000 vehicle trips for both tracts combined?”

Commissioner Martinez – “Yes”.

Motion carried.

COMMISSION ACTION:

MOTION:

**(TRACT 1) MARTINEZ, BAKER
(TRACT 2) MARTINEZ, PINNELLI
FOR TRACT 1 – APPROVED STAFF’S
RECOMMENDATION OF SF-4A
ZONING.**

**FOR TRACT 2 – APPROVED GR-CO
ZONING WITH PROHIBITED USES
OF: AUTO RENTAL; AUTO REPAIR;
AUTO SALES; AUTO WASHING (ANY
TYPE); DRIVE-IN SERVICES (AS
ACCESSORY USE);
EXTERMINATING SERVICES;
PAWNSHOPS; PERSONAL
IMPROVEMENT SERVICES; AND
GUIDANCE SERVICES;**

*** 2000 VEHICLE TRIP LIMIT FOR
TRACT 1 & 2 COMBINED**

AYES:

**PINNELLI, GOHIL, MARTINEZ,
BAKER, WHALEY, DONISI,
HAMMOND.**

ABSENT:

JACKSON

MOTION CARRIED WITH VOTE: 7-0.

**CITY OF AUSTIN - PROJECT PERMIT**

Printed: 28 April 2004

PERMIT NO.
01006592STATUS
ACTIVETYPE
CADDRESS
515 PEDERNALES STDATE
11-APR-01

SUBDIVISION						PERMIT CLERK C.COWARD					
PLAT 25		BLOCK		LOT				GRID MK21			
ZONE	HT. & AREA	REQD.	PARKING PROVD.	PROPOSED OCCUPANCY OCCUPANCY LOAD CARD/AMNESTY C.O. FOR THIS EXISTING EXISTING BAR							
SPECIAL PERMIT NO.		TOTAL SQ. FT.		VALUATION		TYPE CONST. 5N	USE. CAT. G2-1	GROUP A-3	FLOORS	BLDGs 1	UNITS
WORK PERMITTED REMODEL			BASEMENT N		BUILDING DIMENSIONS					MIN. STD. N	ONR N

C O N T R A C T O R S	OWNER/CONTR.	JOHNNY LOPEZ	PHONE	FEE	PAID DATE	REQUIRED INSPECTIONS BUILDING FIRE HEALTH
	BUILDING	RICK WALLEN		\$23	04/11/2001	
	ELECTRICAL					
	MECHANICAL					
	PLUMBING					
	SIDEWALK/DRIVE					
	SIGN					
	ROOF / SIDE					
	ELEC SERVICE FEE				04/09/2001	
	PLAN CHECK FEE					
			ETJ FEE	TOTAL FEE	TOTAL PAID	
				\$23	\$23	

C.O. MAILING ADDRESS

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